

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Narasimhan Gautam Art Unit 1656
Serial No. 10/771,897
Filed February 4, 2004
Confirmation No.: 3893
For: BIOSENSOR AND USE THEREOF OF IDENTIFY DRUG MOLECULES AND
MOLECULES BINDING ORPHAN RECEPTORS
Examiner Chih Min Kam

March 26, 2008

TERMINAL DISCLAIMER TO OBVIATE PROVISIONAL
DOUBLE PATENTING REJECTION OVER PENDING SECOND APPLICATION

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, National Institutes of Health (NIH), of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of pending second application number 10/914,049, filed on August 7, 2004, of any patents on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the pending second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the pending second application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

March 26, 2009

Date

/Jeannie M. Boettler/

Signature

Jeannie M. Boettler

Typed or Printed Name

☒ The Commissioner is hereby authorized to charge the Terminal Disclaimer fee under 37 CFR 1.20(d) and any underpayment to Deposit Account No. 01-2384.

☒ PTO suggested wording for terminal disclaimer was

☐ unchanged

☒ changed

Fee not included, should be charged to Deposit Account No. 01-2384.

JMB/skb